

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

ANTHONY NABORS,

Plaintiff,

v.

CASE NO. 06-10221
HON. LAWRENCE P. ZATKOFF

AUTO SPORTS UNLIMITED, INC., and
CHARLES SUTTER,

Defendants.

ORDER DISMISSING PLAINTIFF'S STATE LAW CLAIM'S

Plaintiff filed his Complaint on January 17, 2006. Plaintiff's Complaint contains the following eight counts:

- Count I Violation of the Federal Vehicle Cost Savings and Information Act;
- Count II Violation of the Michigan Vehicle Code;
- Count III Violation of the Michigan Odometer Act;
- Count IV Violation of the Michigan Consumer Protection Act;
- Count V Violation of the Michigan Consumer Protection Act;
- Count VI Misrepresentation;
- Count VII Breach of Warranties; and
- Count VIII Breach of Warranty of Title.

See Complaint.

The Court has subject matter jurisdiction over Count I , because it arises under federal law.

See 28 U.S.C. § 1331. Counts II through VIII, however, are based upon state law. Although the Court has supplemental jurisdiction over state law claims pursuant to 28 U.S.C. § 1337(a), the Court

may decline to exercise supplemental jurisdiction if there are “compelling reasons for declining jurisdiction.” *See* 28 U.S.C. § 1367(c)(4). The Court declines to exercise supplemental jurisdiction over Plaintiff’s state law claims in this matter. The Court finds that the contemporaneous presentation of Plaintiff’s parallel state claims for relief will result in the undue confusion of the jury. *See* 28 U.S.C. § 1367(c)(4); *see also Padilla v. City of Saginaw*, 867 F. Supp. 1309, 1315 (E.D. Mich. 1994).

Accordingly, IT IS ORDERED that Plaintiff’s state law claims of Violation of the Michigan Vehicle Code; Violation of the Michigan Odometer Act; Violation of the Michigan Consumer Protection Act; Violation of the Michigan Consumer Protection Act; Misrepresentation; Breach of Warranties; and Breach of Warranty of Title (Counts II through VIII) are hereby DISMISSED without prejudice. The Court retains jurisdiction over Plaintiff’s federal claim (Count I).

IT IS SO ORDERED.

s/Lawrence P. Zatkoff
 LAWRENCE P. ZATKOFF
 UNITED STATES DISTRICT JUDGE

Dated: February 9, 2006

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on February 9, 2006.

s/Marie E. Verlinde
 Case Manager
 (810) 984-3290